

## **RESUME OF LEE WILSON**

### **EDUCATION AND CERTIFICATION**

Ph.D., Geology, Columbia University (1971). Specializations in geomorphology, hydrology, ecology (what is today referred to as "environmental geology").

B.A., Geology, Yale University (1964); minor in ecology.

Certified Professional Hydrogeologist #220 (American Institute of Hydrology).

### **EXPERIENCE AT LEE WILSON AND ASSOCIATES**

Since 1973, Dr. Wilson has been President of Lee Wilson and Associates (LWA), a water resource and environmental consulting firm based in Santa Fe, New Mexico. His work generally falls into three categories, each of which is discussed more fully below:

- Technical analysis of water resources for more than 500 projects;
- Author and project director for several dozen environmental management and impact evaluations, including 17 years as an EPA mission contractor;
- Expert testimony on a broad array of water resource and environmental issues in dozens of court cases.

Also provided below is information on Dr. Wilson's experience in other areas of resource management while at LWA; and his work as administrator of a successful small business.

### **WATER RESOURCES**

The water resources projects that Lee Wilson has worked on have dealt with issues as follows.

- Water-supply master planning for municipalities and water authorities. Responsible for projecting water demands, design of conservation programs, assessing streamflow supplies on a probabilistic basis, evaluating wellfield performance, modeling of wellfield impacts, developing strategies for water rights acquisition, investigating water quality problems, designing wellhead protection programs, assessing water-resource regulations, and performing tradeoff analyses of water-supply alternatives based on engineering, economic, environmental and legal considerations.
- Evaluation of water quality impacts and/or clean-up programs for hazardous waste disposal, hydrocarbon leaks and spills, brine pits, coal mining and transport, power plant operation, pipeline construction, salt mining, geothermal development, septic tanks, sewage lagoons, sludge disposal, land application of wastewater, feedlots, dairies, swine breeding facilities, aquaculture, natural saline seeps, watershed development, petrochemical manufacturing, other manufacturing, offshore oil and gas activities, disposal of dredged materials.
- Assessment of wastewater management alternatives, ranging from conventional treatment and discharge, to recycling alternatives including potable reuse; and evaluation of service area alternatives, especially extension of sewer lines to environmentally sensitive areas.

- Geotechnical/hydrologic components of four dozen dam safety inspections and seismic evaluations (for the Corps of Engineers and state agencies), and numerous other projects involving evaluation of flood hazards, Section 404 permits and/or stormwater management.

There are many specific LWA projects that display Dr. Wilson's ability to tackle complex and or unique issues. These include the following.

- Currently supporting acquisition of more than \$100 million in water rights in Canadian River Basin, through program of test drilling and data interpretation. Other work for this client involving hydrogeological investigations and conceptual design includes highly effective brine removal well system in the Canadian River Basin of New Mexico; well fields with more than 80,000 AFY capacity in Texas High Plains; and reservoir firm yield and salinity evaluations.
- Designed New Mexico's statewide program for ground water quality monitoring, the first such program in the United States.
- Present and past evaluations of numerous ground water contamination events involving hydrocarbons, solvents, heavy metals, nitrates and other contaminants, for energy companies, major industrial companies, landowners and governments.
- Developed the nation's first set of criteria for use in evaluating full-scale potable recycling of wastewater (for the Hueco Bolson Recharge Project, El Paso Texas, now operational for more than 20 years).
- Designed EPA's prototype Wellhead Protection Program for Indian Lands.
- Developed the nation's first aquifer identification procedures and maps for EPA's Underground Injection Control Program.
- Developed stream standards for seven Indian tribes.
- Assessed runoff and contamination risks from Los Alamos National Laboratory, resulting from Cerro Grande wildfire.
- Assisted State of Florida with respect to determining minimum stream flow requirements for the endangered Manatee population at Volusia Blue Spring; subsequent work for local water management district has involved peer review of minimum flow studies throughout the St. Johns River Basin.
- Prepared 33 county-level maps of aquifer vulnerability for the New Mexico Underground Storage Tank program (recently republished on New Mexico Environmental Department web site at <http://www.nmenv.state.nm.us/fod/LiquidWaste/aoc.html>).
- Provided hydrologic and regulatory assessments of aquifer management rules for the Edwards Aquifer Authority; and quantified water-rights values for the Authority.
- Supported design and implantation of extensive studies to assess impacts of water appropriations on Guadalupe River, including effects on the endangered whooping crane.
- Active as water rights consultant for nearly a dozen communities throughout New Mexico, responsible for oversight of water-rights transfers and compliance with state permit conditions; as one example we have overseen transfer of more than \$30 million worth of water rights to the Village of Los Lunas.
- Active as technical advisor to Central Platte River sponsors (Nebraska) who are preparing a conjunctive management plan; and to Upper Neches River Municipal Water Authority regarding siting of a new reservoir in an environmentally sensitive setting.

## **ENVIRONMENTAL MANAGEMENT**

Dr. Wilson's projects in environmental management and impact analysis include the following.

- LWA was selected in 1984 as level-of-effort NEPA contractor for EPA Region 6; contract was re-awarded or extended annually until our retirement in 2001. Under this contract, we: developed state-of-the-art reports on cumulative impacts, EIS post-audits, and NEPA risk assessments; prepared EISs on a major lignite mine and power plant, a very large petrochemical plant, oil and gas activities in the Territorial Seas, and dredged materials disposal in the Atchafalaya Delta; prepared EAs on surface coal mining and confined animal feedlot operations; analyzed a Clean Lakes Program project; prepared a generic programmatic agreement for Section 106 of the National Historic Preservation Act; and investigated alternatives for beneficial use of navigation spoil in the Laguna Madre, Texas, and statewide in Louisiana and Texas. Note that work under our EPA contract that relates to coastal restoration is identified elsewhere in this resume.
- Prior to the EPA contract LWA prepared numerous impact statements, many of which were of special interest: the first third-party EIS performed in the U.S. (for EPA, on the City of Albuquerque wastewater treatment facilities); the first BLM grazing EIS that was completed without a court challenge (McGregor Range); a 1980 EIS that developed EPA's criteria for potable reuse of wastewater (City of El Paso); and a 1982 wastewater EIS (for Taos Ski Valley) which has been described as "exactly what CEQ wanted to accomplish when they reformed the EIS process".
- Lee Wilson recently served Alcoa Corp. as advisor for a controversial EIS prepared by a Third-Party consultant regarding a major coal mine project in Texas. Key issues included ground water development, effects on endangered species, and the secondary effects of mine-supported energy generation and smelting. The EIS was not challenged.
- Our impact assessments of diverse project types have included: municipal flood control; in-situ copper mining; the eutrophication effects of urban runoff; construction of a natural gas pipeline; the agricultural impacts of wastewater service extensions; the ground water impacts (quantity/quality) at a large cooling reservoir constructed in karst terrain; construction/use of a limited access freeway; chemical manufacturing; a pulp and rayon mill; tribal wastewater disposal; trans-national air pollution; and arsenic treatment systems.
- Dr. Wilson also has taught courses on impact analysis; sponsors/venues include the Autonomous University of Mexico (Mexico City, 2 courses), FLACAM in Lima, Peru (students from 5 countries), VUB in Brussels, Belgium (students from 20 countries), and the Inter-American Development Bank in Jamaica (students from 10 Caribbean countries).

## **EXPERT TESTIMONY**

Dr. Wilson's experience as an expert witness includes the following.

- Lee Wilson recently completed a 7-year case involving hydrocarbon contamination in McAllen, Texas. The project involved extensive research into local conditions of ground water hydrology and contamination, examination of potential sources including pipelines and old gas stations, and background research on diverse issues including mobility of phase-separated gasoline and fingerprinting of natural gas condensate.
- A current activity is for the State of Florida in three federal court cases regarding interstate water issues, especially relating to competition between urban Atlanta, major recreational reservoirs, large-

scale irrigation, and the exceptional environmental resources of the Apalachicola River floodplain and estuary in Florida.

- Recent work for the State of Nebraska involved two U.S. Supreme Court cases regarding interstate water allocation. One dealt with the Republican River Compact, where issues related to streamflow hydrology, ground water modeling, Compact accounting, reservoir operations and water-rights administration. Dr. Wilson previously was a lead expert for Nebraska in its interstate litigation on the North Platte Decree; the issues there included protection of environmental flows for the critical habitat of the Whooping Crane; and municipal needs in Wyoming.
- Other current or recent expert designations include: for Waste Management Inc. in an international arbitration regarding ground water and environmental issues at a hazardous waste landfill in Mexico; for Alcoa Corp. as an environmental expert in regulatory proceedings regarding their Three Oaks Coal Mine; for El Paso Corporation as a hydrogeology expert in several cases involving ground-water contamination; for Taos Pueblo as a water-rights expert in an adjudication case; as an expert in municipal water supply planning and water rights management for the City of Albuquerque; and as an expert regarding hydrology and water quality effects of mining for a rock quarry in Texas; for acequia associations in the Rio San Jose Adjudication, and many more.
- Of past cases, the largest by far was Dr. Wilson's role as chief expert regarding water resource and environmental issues raised in federal litigation brought by a coal slurry pipeline against six railroads ("ETSI case"). This involved extensive research and focused testimony regarding the environmental impacts of coal slurry pipelines, including comparison of impacts to coal transport by unit trains; and regarding the genuineness of railroad actions under the Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act and other statutes and regulations in South Dakota, Wyoming, Oklahoma, Arkansas, Texas and Louisiana.
- Another well-known expert appearance was as chief technical witness for the City of El Paso in its landmark challenge of a statute barring the interstate transport of ground water. There, testimony dealt with long-term municipal water supply needs; alternatives ranging from desalting to recycling; surface and ground water impacts of a 296,000 acre-feet per year diversion; and diverse socio-economic issues related to water use and interstate commerce.
- Other past testimony and/or litigation advice has been provided in water rights, water rates and water quality cases for clients ranging from major corporations (Johnson and Johnson, Phillips Petroleum, Marathon Oil, OXY Petroleum, Budget Rent-a-Car, ELF-Atochem) to environmental and citizen groups (Sierra Club, La Raza Unida).

## **RESOURCE MANAGEMENT**

These projects involve specialized aspects of environmental and water resource management.

- LWA's EPA contract included extensive work in restoration of Louisiana's coastal wetlands. Dr. Wilson oversaw preparation of a handbook for managing wetlands impacts of oil and gas development; prepared ecosystem restoration plans and studies (most recently a project to divert Mississippi River water to restore Lake Maurapas swamps -- the largest such project so far conceived); evaluated specific projects involving land management, mariculture and barrier islands; and helped write "Coast 2050", the master plan for achieving no net loss of wetlands within fifty years.
- LWA has undertaken several specialized studies aimed at the innovative management of environmental resources. Lee Wilson invented a method by which water supply is quantified and

used as the basis of land use density zoning (for Santa Fe County, NM); created a standardized list of subdivision covenants for water conservation; performed the nation's first size-partitioned inventory of fugitive dust, which involved all natural as well as man-related particulate sources in a desert area with numerous tailings piles, copper mines, mills and unpaved roads; prepared the conceptual scope for City of Albuquerque's hazardous waste management master plan; drafted an environmental code for City of Santa Fe, dealing with issues which range from toxic air pollutants to electromagnetic radiation from power lines; and now working on a project to restore the Buffalo Pasture, a sacred wetland on Taos Pueblo.

### **ADMINISTRATION OF A SUCCESSFUL SMALL BUSINESS**

Lee Wilson's work as President of LWA has required him to accomplish the following.

- Administer an average of 20 to 30 contracts per year (total annual value averaging > \$1,000,000) with government agencies and private companies (almost all repeat clients), to ensure compliance with schedules, budgets and client needs.
- Supervise interdisciplinary research teams of up to 30 members, while performing technical research in a variety of water-resource and environmental disciplines.
- Write most and edit all company reports and make oral presentations of findings to clients, regulatory agencies, and the public.
- Assure quality control so that all work is imaginative, practical, objective and cost-effective.

### **PRIOR EXPERIENCE, ACCOMPLISHMENTS, HONORS AND PUBLICATIONS**

- 1972-1973. Senior Staff Scientist with an environmental consulting firm based in New York City and Dallas, responsible for preparing more than a dozen major EISs and assessments in California, Indiana, New York, North Carolina, Pennsylvania and Texas; projects included large water supply and flood control reservoirs, landfills, coal-fired power plants and land development.
- 1965-1971. miscellaneous short-term assignments, including observer-member of an Australian government team performing an inventory of soil, water and biological resources in the Northern Territory; and lecturer in geology, geomorphology, Pleistocene geology and geophysics at Columbia University, Briarcliff College and Brock University.
- LWA was selected by EPA in its 1994 National Award for Outstanding Achievements as a Small Business Contractor.
- Columbia University Fellowship for advanced study in remote sensing at International Training Center, Delft, Netherlands (1969-70)
- NSF Summer Institute Fellowship in hydrology/hydraulics, Colorado State University (1968).
- Food Fair National Scholar, Yale University, 1960-64
- Member of more than one dozen professional and environmental organizations, including Geological Society of America (Elected Fellow) and National Wildlife Society (Life Member).
- Especially active in the International Association for Impact Assessment, as Chairman of Training and Professional Development Committee (2003-2007, in 2004 received IAIA's award for Outstanding Service.

- For LWA, author of more than 400 technical reports, many distributed widely by government agencies.
- Ten contributions to the Encyclopedia of Earth Sciences series. Scientific articles published in: Ground Water; Water Resources Research; Water Resources Bulletin; American Journal of Science; Bulletin of the International Association of Hydrology; Bulletin of the Geological Society of America; Rev. Geographique Physique et de Geologie Dynamique; EIS Annual Review; Environmental Impact Assessment Review; Journal of Soil and Water Conservation; American Water Works Association Proceedings; Physical Geography.
- Keynote speaker at UNESCO symposium on erosion and sedimentation, Paris, 1977; member of AWRA scientific exchange program with the Peoples Republic of China (1985); member of City of San Antonio delegation to Kumamoto, Japan, water conference (1990); member of EPA/DOE international workshop on EIS methodology (1991); keynote speaker New Mexico Legislature water retreat (2000); member of Advisory Council for the Caroline and William N. Lehrer Distinguished Chair in Water Engineering at Texas A&M University's Biological and Agricultural Engineering Department (2005).

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# EXPERT TESTIMONY, DR. LEE WILSON

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### TABLE 3. EXPERT TESTIMONY, DR. LEE WILSON

CASE	END DATE	WORK PRODUCT	DESCRIPTION AND ISSUES
<b><u>COMPLETED TESTIMONY: JUDICIAL AND ADMINISTRATIVE PROCEEDINGS</u></b>			
a. U.S. SUPREME COURT			
Case No. 113 S.Ct.	2000	Expert reports Depositions (4 days)	On behalf of the State of Nebraska in the matter of <i>Nebraska v. Wyoming</i> concerning the North Platte Decree. Expert report on environmental injury to endangered species in Central Platte Valley (effects of environmental mandate). Expert report on Deer Creek Project (assessment of municipal water demands and water rights, and appropriate water supply alternatives for Casper and other Wyoming communities). Interpretation of Paragraphs IV and V of the Decree. Case was settled without trial.
Case No. 126 S.Ct. 1689	2003	Settlement report	On behalf of the State of Nebraska in the matter of <i>Kansas v. Nebraska and Colorado</i> concerning the Republican River Compact. Developed draft expert reports for the State, and then was a leading member of Nebraska's technical team that was intensively involved with a three-state negotiation process in achieving a settlement of the case. Key aspects of this work included all aspects of a complex ground water model, especially estimates of historic pumping, calibration targets and aquifer properties. The settlement was reached in December 2002; the final element of the settlement was completion and documentation of the model in 2003.
b.			
c. FEDERAL DISTRICT COURT			
Case No. 80-730-HB (Civil), U.S. District Court, Las Cruces and Albuquerque, New Mexico	1982	Trial testimony (2 days) Deposition (3 days) Affidavit Exhibits	On behalf of the City of El Paso in the matter of the <i>City of El Paso, et al. v. S.E. Reynolds, et al.</i> , regarding New Mexico's water embargo statute. Testified as to water supply conditions and needs for City of El Paso; supply alternatives - hydrology, costs, and impacts; water supply conditions in New Mexico. Lee Wilson was the only technical expert to testify for the plaintiff.
Case No. CIV-82-0734HB, U.S. District Court, New Mexico	1984	Affidavit	Summarizing work done by Dr. Lee Wilson in preparation of environmental impact statement, Taos Ski Valley.



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Case No. 86-1472JP, U.S. District Court, New Mexico	1989	Affidavit	On behalf of the City of El Paso, regarding boundaries of LRG Underground Water Basin, <i>Elephant Butte Irrigation District v. United States, et al.</i>

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CASE	END DATE	WORK PRODUCT	DESCRIPTION AND ISSUES
Case No. B-84-979-CA (Civil), U.S. District Court, Texas	1989	Trial testimony (jury) Deposition (6 days) Affidavit	On behalf of Energy Transportation Systems, Inc. in the matter of <i>ETSI Pipeline, et al., v. Burlington Northern, Inc., et al.</i> Testified as to environmental impacts of coal slurry pipelines; comparative environmental effects of alternative modes of coal transport; merits and genuineness of railroad challenges to ETSI environmental permits under the Clean Water Act, Clean Air Act, Endangered Species Act, National Environmental Policy Act and others. Lee Wilson was the only technical expert (excluding damage experts) to testify for the plaintiff; he supervised an expert team of 40+ individuals to prepare his testimony. Jury award to ETSI was > \$1 billion.
Case No. 9780C (Civil), U.S. District Court, New Mexico	1990	Trial testimony Exhibits	On behalf of land and water rights owners in the matter of <i>State of New Mexico, ex rel., Reynolds v. Molybdenum Corporation of America, et al.</i> Water rights adjudication, Red River and related streams. Testimony assessed: 1) the appropriate duty of water for irrigation in an area of northern New Mexico; 2) hydrologic evaluation of surface water shortages and their impacts on irrigated acreage.
Case No. 92-1064-M, (Civil), U.S. District Court, New Mexico	1993	Trial testimony Exhibits	On behalf of Budget Rent-a-Car regarding the origin, characteristics and extent of hydrocarbon contamination associated with a leaking underground storage tank in Albuquerque, NM.
Case No. CA-2-91-0229, U.S. District Court, Northern District of Texas, Amarillo Division	1998	Trial testimony (jury) Affidavit Opinion letters Deposition	On behalf of landowner in the matter of <i>B.K. Paris, Inc. v. Phillips 66 Company, et al.</i> , Responsible for evaluating assessment and remediation of a pipeline spill.
Case No. CV-99-0985, U.S. District Court, District of New Mexico	2000	Affidavit	<i>In City of Albuquerque v. United States</i> , on behalf of City of Albuquerque which sought judgment affirming its ownership of its San Juan Chama Water; affidavit dealt with role of this supply in meeting water resource needs of City.
Civil Action No. H-01-0233 Southern District of Texas, Houston Division	2004	Trial testimony Affidavit Expert Reports Deposition	On behalf of El Paso Natural Gas and Coastal Refining and Marketing, Inc., regarding hydrocarbon contamination found on the property of Elementis Chromium and Amerada Hess Corporations, near the Corpus Christi Inner Harbor, Corpus Christi, Texas.

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Case No. CIV 99- 1320/JP/KBM-ACE, U.S. District Court, District of New Mexico	2005	Affidavit	In <i>Rio Grande Silvery Minnow v. Martinez</i> , on behalf of City of Albuquerque, regarding hydrological and environmental issues associated with habitat requirements for endangered species, Rio Grande Silver Minnow, and related matters. Case was settled after remand from appeal.

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Case No. 6639-M (Civil), U.S. District Court, Albuquerque, New Mexico	2006	Exhibits Deposition	Regarding water rights adjudication in the area of Tesuque-Pojoaque, New Mexico (" <i>Aamodi</i> " case). Designated as an expert by U.S. Attorney. Issues included surface and ground water hydrology, quantification of Indian claims, development of regional water management strategies. Case has been settled provisionally.
Case No. 04 Civ. 2389, U.S. District Court, Southern District of New York	2007	Expert Report	On behalf of the Defendants Coastal Eagle Point Oil Company and Coastal Refining & Marketing Inc., in the matter of the <i>City of NY v. Amerada Hess et al.</i> The litigation concerned alleged contamination of ground water by Methyl tertiary-butyl Ether (MTBE) in Rockland County, New York. The expert report of Lee Wilson related to location of Coastal Branded service stations in respect to wells that may be impacted by MTBE. Case was settled.
d.	OTHER FEDERAL COURTS		
e.			
Docket No. 354, Court of Federal Claims, Washington, D.C.	1996	Exhibits	On behalf of <i>San Ildefonso Pueblo v. United States of America</i> regarding the value of recognized original pueblo water rights in the Pojoaque and Rio Grande Basins.
f.	STATE DISTRICT COURT		
g.			
Case No. 50245, New Mexico District Court, Santa Fe County, First Judicial District	1976	Affidavit	On behalf of the State of New Mexico in the matter of <i>Arizona Public Service Company, et al. vs. Fred O'Chesky</i> . Filed report in affidavit form, characterizing indirect environmental and economic costs of electricity generation in Four Corners area of New Mexico.
Case No. 77-100 (De Novo Appeal), New Mexico District Court, Mora County, Fourth Judicial District	1978	Trial testimony	On behalf of Louis Abeyta, et al. in the matter of <i>Louis Abeyta, et al. v. Mora Research Center, NMSU, and Steve Reynolds</i> . Evaluation of impacts of proposed well on existing water rights; surface-water supply and hydrologic conditions of the Mora River Valley.

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Case No. CV-88-201 (De Novo Appeal), New Mexico District Court, Dona Ana County, Third Judicial District	1989	Deposition	In the matter of the <i>City of El Paso v. S.E. Reynolds, and State Engineer, v. Elephant Butte Irrigation District, et al.</i> Factual testimony regarding work done in perfecting appeal.
Case No. 85-17120-C (Civil), Texas District Court, Harris County, Texas, 151st Judicial District	1990	Trial testimony (3 days, jury) Depositions Affidavit	On behalf of Crum and Forster Insurance Co. in the matter of <i>James A. Slaughter, et al. v. Farm and Home Savings Association, et al.</i> Ground water contamination by solvents, and contaminant migration, at Brio/DOP Superfund site near Houston, Texas. Note: Roger Miller of LWA also gave a deposition in this case.
Case Nos. 36,964 and 36,836, Texas District Court, Midland, Texas	1990	Trial testimony (jury)	On behalf of the City of Odessa, Texas, in the matter of <i>George V. Anderson, et al. v. City of Odessa, and Louise Gay v. City of Odessa.</i> Hydrologic analysis of flooding in Monahan's Draw, and effect of municipal wastewater discharge on infiltration, ground water levels, flood damage and related matters.
Case No. CV-89-0128, New Mexico District Court, Quay County, Tenth Judicial District	1990	Exhibits Deposition	On behalf of the New Mexico Highway and Transportation Department conducted hydrologic studies regarding drainage, erosion and sedimentation impact of construction of an Interstate Highway. Filed exhibits and gave deposition; case settled prior to completion of trial.
Case No. 90-526(c), New Mexico District Court, County of Santa Fe, New Mexico, First Judicial District	1991	Trial testimony Deposition	On behalf of landowner, in the matter of <i>Voorhess, Burden and Burden v. Chavez, Rodriguez, Grill, the Board of Santa Fe County Commissioners, and Peixoto da Silveira.</i> Interpretation of water supply conditions at subdivision with respect to County Development Code authored by Lee Wilson.
Case No. SF 93-1231(C), First Judicial District, County of Santa Fe	1994	Hearing testimony	On behalf of mine owner, in the matter of <i>State of New Mexico vs. Piedra Inc.</i> Identification of "waters of the United States", subject to Section 404 of Clean Water Act; development of a mine plan for site reclamation at a sand and gravel operation.

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Case No. SD 94-360, Thirteenth Judicial District Court, County of Sandoval State of New Mexico	1995	Trial testimony Deposition	On behalf of City of Rio Rancho, in the matter of <i>City of Rio Rancho, New Mexico vs. Rio Rancho Utilities Corporation, et al.</i> , regarding condemnation of a private water and wastewater utility. Research on Rio Rancho water rights, water use, utility system, population and demand forecasts and issues related to city control of the utility system.
Case No. 924128, Superior Court of the State of California, County of Los Angeles	1995	Declarations	On behalf of Upper San Gabriel Valley Municipal Water District, regarding Petition by Miller Brewing Company. Issues included the validity of a computer model of the San Gabriel Basin aquifer and the accuracy of its predictions of flow paths and travel times of recharged sewage effluent.
Case No. SF 97-1816(C) First Judicial District, County of Santa Fe, State of New Mexico	1997	Affidavit	On behalf of the City of Santa Fe, in the matter of the <i>City of Santa Fe vs. Board of County Commissioners of Santa Fe County and Santa Fe Ski Company</i> , regarding the water rights situation at Santa Fe Ski Basin.
Third Judicial District Court, County of Dona Ana, State of New Mexico	1998	Affidavit	On behalf of City of Sunland Park, in the matter of <i>City of Sunland Park vs. Santa Teresa Services Company, vs. Catalina Development, Inc., Paseo Del Norte Limited partnership, et al.</i> , regarding condemnation of a water supply system.
Cause No. C-4568-95-D, 93 <sup>rd</sup> Judicial District Court, Hidalgo County, Texas	2000	Expert report	On behalf of Fina, Inc, in the matter of <i>Timely Adventures, Inc, et. al., v. Difco, Inc., Texas Star Investments, Inc., et al.</i> , serving as an expert witness regarding contamination of ground water. Following submittal of report, there was a settlement that allowed Fina to be removed from the case as it then stood. Subsequent work in the same case has been in behalf of Louis Dreyfus Natural Gas Corp. (see pending cases).
Petition for Partition of Real Property In the District Court, Lee County, Texas, 335th Judicial District, Cause No. 12,217	2005	Expert report	On behalf of Alcoa Inc., Evaluation of impact of mining on drainage that passes through un-mined property. Case was settled.
Fifth Judicial District Court, County of Chaves, State of New Mexico, Nos. 20294	2005	Affidavit	On behalf of the Hope Community Ditch Association and the Tracy/Eddy Trust ( <i>State of New Mexico v. Lewis et. al.</i> ) regarding a partial settlement of Pecos Basin water right adjudication. Issues included technical and policy evaluation of settlement.

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and 22600 Consolidated			
Cause No. C-4568-95-D, 93 <sup>rd</sup> Judicial District Court, Hidalgo County, Texas.	2007	Expert reports Affidavit Deposition	On behalf of Louis B. Dreyfus Co./Dominion Exploration and Production, Inc., regarding hydrocarbon contamination of ground water in the area of McAllen, Texas. A settlement was reached in this case.
h.			
i.			
INTERNATIONAL COURTS			
Case No. 12 124/JNK before the International Court of Arbitration of the International Chamber of Commerce	2005	Expert reports Hearing testimony Affidavit	On behalf of Waste Management Inc. in a dispute over sale of a hazardous waste disposal facility in Mexico, with respect to the extent and potential effects of alleged contamination of soil and ground water.
j.			

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k. ADMINISTRATIVE PROCEEDINGS			
Rate case 1300, New Mexico Public Service Commission	1976	Written and hearing Testimony	On behalf of Santa Fe County, with respect to water rate application of Public Service Company of New Mexico. Sources of supply and characteristics of demand in Santa Fe, New Mexico with emphasis on implications for rate design.
Environmental analysis, U.S. Forest Service	1980	Affidavit	On behalf of the Sierra Club Legal Defense Fund, regarding use of the lower San Francisco River, Gila and Apache-Sitgreaves National Forests, New Mexico. Primary subject was impact of off-road vehicle use on the San Francisco River and possible acceleration of erosion of important riparian habitat.
Wastewater discharge permit, Texas Department of Water Resources	1982	Hearing testimony	On behalf of landowners, with respect to wastewater discharge application by City of Midland. Changes in site hydrology caused by pond seepage and land application; water balance; salinity changes; odors; alternatives.
Water rights permit, State Engineer of New Mexico	1980	Exhibits	On behalf of applicants, submitted exhibits in support of water-rights applications of the City of Roswell and Mountain States Pecan; various file numbers. Protest to applications was withdrawn prior to hearing.
Environmental impact statement, U.S. Forest Service	1983	Affidavit	On behalf of <i>Save the Jemez</i> regarding Santa Fe National Forest management plan. Economic and environmental impacts.
Rate case 1750, New Mexico Public Service Commission	1983	Written appraisal	On behalf of Public Service Commission regarding rate application by Angel Fire Resort, Dr. Wilson prepared a written appraisal (dollar value) of certain water rights owned by the Applicant.
Water rights permit, Files into RG-40738, State Engineer of New Mexico	1983	Hearing testimony Deposition	On behalf of Cerro Ditch Association and Northern New Mexico Legal Services, with respect to McGee Trust application to change point of diversion from surface to ground water. Area hydrogeology; error in model submitted by applicant.
Coal mine permit application, Coal Surface Mining Commission, State of New Mexico	1984	Affidavit	On behalf of Sierra Club Legal Defense Fund regarding De-na-zin amendment permit application. Hydrologic and other issues.



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<b>CASE</b>	<b>END DATE</b>	<b>WORK PRODUCT</b>	<b>DESCRIPTION AND ISSUES</b>
Ground-water discharge plan, New Mexico Environmental Improvement Division	1984	Hearing testimony	On behalf of City of Grants, in support of Discharge Plan 60, co-authored by Lee Wilson. Plan and testimony dealt with City's application for sludge disposal and management; hydrologic impacts of project; monitoring proposals.

### TABLE 3. EXPERT TESTIMONY, DR. LEE WILSON

CASE	END DATE	WORK PRODUCT	DESCRIPTION AND ISSUES
Rate case 1836, New Mexico Public Service Commission	1984	Hearing testimony	On behalf of City of Rio Rancho, regarding water rate filing of Albuquerque Utilities, Inc. Evaluation of utility costs, rate base, rate of return, tax payments and rate design, with emphasis on rate-making policies appropriate to developer-owned utilities.
Rate case 1994, New Mexico Public Service Commission	1986	Written testimony	On behalf of commercial customers regarding rate application by New Mexico Utilities, Inc. Cost of service; reasonable costs for source of supply. Case resolved by stipulation.
Water rights applications LRG-92 through LRG-357 and HU-12 through HU-71, New Mexico State Engineer	1988	1987- Hearing testimony (13 days) Deposition (15 days) Affidavits Exhibits	On behalf of the City of El Paso regarding permit applications to appropriate ground water. Layout of well fields and assessment of production potential; evaluation of surface supplies; dollar costs of alternative supplies (wells, pipelines, treatment, pumping costs); development of short- and long-term demand forecasts for average and peak periods; evaluation of supply reliability, ability to meet peaking and long-term demands; hydrologic data collection; complex modeling; rights-of-way on federal land.
Arbitration hearing SF-GRO-7513 (201); New Mexico State Highway and Transportation Department	1990	Hearing Testimony	On behalf of contractor, in the matter of <i>Borsberry Construction Co., Inc. v. New Mexico State Highway and Transportation Department</i> regarding a payment claim. Testified before the New Mexico State Highway and Transportation Department as an expert in water-rights administrative practices of the New Mexico State Engineer. Also, quantified expected well yield in Dona Ana County, New Mexico.
Case No. 2428 New Mexico Public Service Commission	1992	Written and hearing testimony	On behalf of City of Santa Fe in case involving request for extension of water service. Documentation that there is no emergency need for the extension; severe water rights problems may result from extension; because of land use impacts, the extension process needs to continue to utilize City/County approvals.
File No. 057, 0931, 0932 & 0933 into RG-40450 through RG-40450-S-2, New Mexico State Engineer	1992	Hearing testimony Deposition Exhibits	On behalf of local land owners, Taos County, New Mexico. Testimony regarding inadequacy of proposed water rights; historical supply; return flows; impairment; public welfare impacts to wetlands; public welfare consequences given history of bad faith.
Discharge Plan - 839; New Mexico Environment Department	1992	Hearing testimony (written, oral)	On behalf of City of Sunland Park, regarding DP-839, ground water discharge plan for Santa Teresa Services Company. Issues: violations of standards; pollution from existing discharge; inadequate submittals; water budget.

**TABLE 3. EXPERT TESTIMONY, DR. LEE WILSON**

<b>CASE</b>	<b>END DATE</b>	<b>WORK PRODUCT</b>	<b>DESCRIPTION AND ISSUES</b>
Triennial review of stream standards by NM Water Quality Control Comm.	1993	Written and hearing testimony Exhibits	On behalf of Los Alamos National Laboratory, regarding appropriate implementation of aquatic toxicity standards to NPDES permits; standards appropriate for ephemeral streams; standards for protection of wildlife and wildlife habitat.

### TABLE 3. EXPERT TESTIMONY, DR. LEE WILSON

CASE	END DATE	WORK PRODUCT	DESCRIPTION AND ISSUES
Transfer of water rights, New Mexico State Engineer Office	1994	Hearing testimony Exhibits	On behalf of Ski Area Containment Coalition, with respect to applications by the Santa Fe National Forest and the Santa Fe Ski Co. to change point of diversion and place and/or purpose of use of surface waters in order to expand snowmaking and skier capacity at the Santa Fe Ski Area. Principal issues included the water budget, past non-compliance, and public welfare.
Order No. 152, New Mexico State Engineer Office	1994	Hearing testimony Exhibits	On behalf of City of Las Cruces, and other communities, testify for a proposed rule governing "dedications" of water rights; issues primarily related to principles of efficient water right administration as applied to municipality.
Supplemental well applications LRG-430-S-29 and LRG-430-S-30, New Mexico State Engineer	1997	Hearing testimony Expert report	On behalf of the City of Las Cruces, recommendations for criteria to administer water rights in the Jornada Basin.
File No. LRG-4793-S-9 and LRG-4793-S-10, New Mexico State Engineer	1997	Hearing testimony Exhibits	On behalf of applicant, need for and impact of wells in Anthony, New Mexico.
Water Rights Permit, File LRG-3284-LRG-3296 State Engineer of New Mexico	1997	Affidavit	On behalf of City of Las Cruces, regarding water rights administration in the Lower Rio Grande Basin. Providing technical assistance in the development of motions before the New Mexico State Engineer. Preparation of affidavits related to the hydrology of the Basin.
Triennial review of stream standards by NM Water Quality Control Comm./ Los Alamos National Laboratory	1998	Hearing testimony Exhibits	On behalf of Los Alamos National Laboratory, regarding best management practices, non-point sources, natural sources of pollution; standards for protection of wildlife and wildlife habitat.
Hearings Case No. 98-042, OSE File No. 01994 & 02488 into 4726-T and	1998	Deposition Affidavit Expert report	On behalf of Espanola Transit Mix and Piedra, Inc. in the matter of the amended application by Espanola Transit Mix and Piedra, Inc., (Richard Cook, President) for a temporary/permanent permit to change point of diversion and place and purpose of use of surface waters of the Rio Vallecitos/Rio Ojo Caliente to

**TABLE 3. EXPERT TESTIMONY, DR. LEE WILSON**

CASE	END DATE	WORK PRODUCT	DESCRIPTION AND ISSUES
01304 into 4726			surface/ground water in Rio Grande underground water basin in New Mexico. Primary issues were quantification of water use at move-to site (gravel pit) and at move-from site (farm), including uses by phreatophytes; and conveyance losses between the two locations.

### TABLE 3. EXPERT TESTIMONY, DR. LEE WILSON

CASE	END DATE	WORK PRODUCT	DESCRIPTION AND ISSUES
Mora Fish Hatchery Water Right Application #CR-2158-S et al	1999	Hearing testimony Exhibits	On behalf of protestants, regarding duty of water, historic shortage, irrigated acreage, offset requirements, historical issue.
Hearing on Unsuitability Petition P-4, Railroad Commission of Texas	2000	Hearing testimony Report Exhibits	On behalf of Alcoa Mining, regarding suitability of an area for surface coal mining, in light of issues that included: the general nature of environmental regulations and the unsuitability petitioning process; hydrologic effects of pumping water for mine purposes; effects of mining on the endangered Houston toad; consistency between mining and local land use plans; other environmental impacts from mining, in the context of experience at other mines and as a general matter.
Railroad Commission of Texas Docket No. C1-0004-SC-00-A, Application for Surface Mining and Reclamation Permit, Proposed Three Oaks Mine	2002	Written testimony	On behalf of Alcoa Mining, regarding the environmental impacts expected from the proposed Three Oaks Mine, the acceptability of those impacts, and the applicability of surface mining regulations in mitigating the impacts.
Water Rights Permit, File LRG-4793, S-2 & S-8, State Engineer of New Mexico	2003	Hearing testimony Exhibits Deposition	On behalf of the Anthony Water and Sanitation District, regarding application to use supplemental wells. Primary issue is effect of granting application on area streamflows, water quality and water rights. Engineer's decision in favor of applicant is contested in a de novo appeal to District Court
Proposed Industrial Wastewater Discharge Permit No. 04348, Texas Commission on Environmental Quality; SOAH Docket No. 582-02-3008, TCEQ Docket No. 2002-0484-IWD	2003	Written and hearing testimony	On behalf of Alcoa Mining, regarding application for discharge permit for the Three Oaks Mine. Discharges are predominantly storm water from areas disturbed by surface mining, but may include water from aquifer dewatering and mine pit dewatering, along with some treated domestic wastewater. Testimony focused on data from Alcoa's adjoining Sandow Mine, and whether there is evidence that discharges there have caused degradation of water quality, exceeded permit standards, demonstrated a change in toxic releases and/or demonstrated the occurrence of acid mine drainage.
City of Albuquerque Application No. 4830, State	2004	Hearing testimony Expert report	On behalf of City of Albuquerque regarding precedent setting application to divert surface water from the Rio Grande in the Amount of 94,000 AFY, with the sources consisting of water imported through the San

**TABLE 3. EXPERT TESTIMONY, DR. LEE WILSON**

<b>CASE</b>	<b>END DATE</b>	<b>WORK PRODUCT</b>	<b>DESCRIPTION AND ISSUES</b>
Engineer of New Mexico		Exhibits	Juan-Chama Project that will be consumed in its entirety, and native water that will be returned to the river in its entirety. Testimony dealt with the nature of the application, its relationship to the City's existing ground water rights and San Juan Chama rights, the conjunctive management of surface and ground water, and issues of impairment, public welfare and conservation of water.
Application of Canyon Regional Water Authority to Amend Certificate of Adjudication NO. 18-3834, as Amended (Application No. 18-3834B); TCEQ Docket No. 2003- 1067-WR, SOAH Docket No. 582-04-4678	2004	Affidavit	On behalf of Guadalupe-Blanco River Authority with respect to an application for water rights in the Guadalupe Basin.
New Mexico Office of the State Engineer OSE Hearing, 07-053	2008	Exhibits, rebuttal exhibits	In support of Application No. SD-07603 into RG-2478 et al. filed by the Town of Bernalillo for Permit to Change Point of Diversion and Place and purpose of Use from Surface to Ground Water in the Rio Grande Underground Water basin of the State of New Mexico. Protested by Isleta Pueblo on grounds that State's administrative system is severely flawed. Exhibits related to impacts if application is approved. Protest was withdrawn and the application was approved.

### TABLE 3. EXPERT TESTIMONY, DR. LEE WILSON

CASE	END DATE	WORK PRODUCT	DESCRIPTION AND ISSUES
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#### PENDING CASES: JUDICIAL AND ADMINISTRATIVE PROCEEDINGS

##### l. FEDERAL DISTRICT COURT

Case Nos. 7896C and 7939C consolidated (Civil), U.S. District Court, Albuquerque, New Mexico	In settlement	Exhibits	Regarding water rights adjudication in the area of Taos, New Mexico (" <i>Abeyta</i> " case). Designated as an expert by U.S. Attorney and by Taos Pueblo. Issues include surface and ground water hydrology, protection of sacred wetlands, quantification of Indian claims, and development of regional water management strategies. A settlement agreement has been reached and Federal legislation has been submitted.
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Case No. 1:00CV02975, U.S. District Court, District of Columbia	See description	Affidavits	On behalf of the State of Florida, regarding the water and environmental water resources of the Apalachicola-Chattahoochee-Flint River Basin, the operations of Lake Lanier, Georgia, and the nature of water supply contracts in the Atlanta Metro area as they have been identified in three different litigation settings. The District Court decision in this case was adverse to Florida, but overturned on appeal. In 2008 the case was consolidated with the case below and five other cases involving the ACF Basin; further proceedings remain to be scheduled.
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Case No. CV-90-BE-1331-E, U.S. District Court, Northern District of Alabama, Eastern Division	See description	Affidavits	On behalf of the State of Florida, regarding : 1) important characteristics of the ACF Basin in general, and of the Apalachicola ecosystem in particular; 2) actual and proposed uses of water from Lake Lanier; 3) the nature of the adverse effects to an authorized purpose of Lake Lanier if conservation storage is reallocated to municipal uses; 4) attributes of the contracts that relate to their temporary or permanent nature; 5) the extent to which a Settlement Agreement proposes contracts that are similar to those that were proposed in 1989; 6) compliance with environmental statutes; and 7) the harms to Florida if it does not secure the relief it seeks. In 2008 the case was consolidated with the case above and five other cases involving the ACF Basin; further proceedings remain to be scheduled.
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##### m. ADMINISTRATIVE PROCEEDINGS

Water Rights Permit, File RG-2478 et al. enlarged State Engineer of New	Active	Exhibits	On behalf of the City of Bernalillo, regarding application to increase permitted diversion. Protested by three Pueblos. Primary issue is effect of granting application on area streamflows and water rights. Settlement negotiations are underway.
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**TABLE 3. EXPERT TESTIMONY, DR. LEE WILSON**

CASE	END DATE	WORK PRODUCT	DESCRIPTION AND ISSUES
Mexico			
SOAH Docket No. 582-06-038; TCEQ Docket No. 2006-042-IWD, TX	Appealed by protestants	Hearing testimony Expert report	On behalf of Sandy Creek Energy Associates, Inc., regarding an application for a water quality TPDES industrial wastewater permit for a proposed power plant in south central Texas. The testimony dealt with all aspects of permit compliance. The agency has approved the permit but an appeal has been filed.
Well Permits, Barton Springs Edwards Aquifer Conservancy District, TX	Active	Expert report	In support of an application by KBDJ, Inc. for Well Drilling Authorizations from the District for a proposed monitoring well and a non-exempt Industrial water supply well. The permits were granted after settlement of a contested case. Report addressed concerns raised by city's regarding well impacts. An application for a production permit was filed in 2008, and future testimony is anticipated.

### TABLE 3. EXPERT TESTIMONY, DR. LEE WILSON

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#### EXPERT ADVICE (NOT REQUIRING SWORN TESTIMONY BY DR. WILSON)

These area closed cases that did not require sworn testimony by Dr. Wilson; and active cases where Dr. Wilson has been retained as an expert but has not produced expert reports or exhibits, and has not testified by affidavit, pre-filed testimony or hearing/trial testimony.

n. U.S. SUPREME COURT

1990. Case No. 65, Original, U.S. Supreme Court. On behalf of the Attorney General of Texas, conducted hydrologic analysis of documents related to water shortfall and salinity damages, Pecos River Compact

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p. FEDERAL DISTRICT COURT

1983. Case No. CA-2-81-52, U.S. District Court, Northern District of Texas, Amarillo Division. On behalf of Phillips Petroleum Company, examined sources of brine contamination in Ogallala aquifer, Wheeler County, Texas. Settled prior to trial.

1993. Civil Action No. MO-91-CA-069 United States District Court, Western District of Texas. Designated as an expert by City of San Antonio, in case involving claims that actions should be taken to restrict pumping of Edwards aquifer in order to avoid taking of endangered species. Provided advice on hydrology of Edwards aquifer; probability of various springflow levels under alternative pumping scenarios; potential for artificial recharge to maintain springflows; water supply costs and alternatives for San Antonio. Scope of trial was narrowed such that testimony was not required.

1993. Cause No. CIV-93-0027-M, U.S. District Court for District of New Mexico. Designated as expert in the matter of *Schwartzman, Inc. v. General Electric, et al.*, on behalf of pipeline company. Case involved South Valley Superfund Site south of Albuquerque. Issues relate to ground-water contamination at Superfund site; settled without trial.

1994. Cause No. 93-03-1354-A, U.S. District Court, Cameron County, Texas. In the matter of *Alvear, et al. vs. Leonard Electric Products, et al.* On behalf of plaintiffs, researched possible cause-effect relationship between water-borne contamination and a cluster of neural tube defects (including anencephaly) in fetuses and live births in the area of Brownsville, Texas. Work included review of activities in Matamoros, Mexico.

1996. Case No. CIV 96-506 MV/RLP, U.S. District Court, Albuquerque, New Mexico. Supported plaintiff in mediation of dispute over channel design, maintenance and erosion associated with an irrigation ditch in Taos County, New Mexico. Issues included water velocity, bed protection and erosion control measures.

2005. Cases No. CIV 05-4569 and CIV 05-4161, U.S. District court Eastern District Louisiana. Retained by BP Corporation to assist in cases relating to Hurricane Katrina. Complaints were dismissed prior preparation of any evidentiary materials.

### TABLE 3. EXPERT TESTIMONY, DR. LEE WILSON

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2007. Case No. 04 Civ. 5424, U.S. Southern District Court of New York. Engaged as consultant and possible expert witness on behalf of the Defendants Coastal Eagle Point Oil Company and Coastal Refining & Marketing Inc. regarding Methyl tertiary-butyl Ether ("MTBE") Products Liability Litigation (MDL 1358) relating to public supply wells in Suffolk County (Long Island), New York. Case was settled.

Active. Case No. CIV-7488SC, (Civil), U.S. District Court, New Mexico. Representing the Santa Clara Indian Pueblo regarding water rights adjudication in the Santa Cruz Basin ("Abbott" case).

Active. Case No. 03-C-550, El Paso - City of New York. Amerada Hess Corp., et al., 04 Civ. 2389. Engaged as consultant and possible expert witness on behalf of the Defendants Coastal Eagle Point Oil Company and Coastal Refining & Marketing Inc. regarding Methyl tertiary-butyl Ether ("MTBE") Products Liability Litigation relating to public supply wells in the City of New York.

Active. Case No. 03-C-550, State of New Hampshire v. Hess Corp. Engaged as consultant and possible expert witness on behalf of the Defendants Coastal Eagle Point Oil Company and Coastal Refining & Marketing Inc. regarding Methyl tertiary-butyl Ether ("MTBE") Products Liability Litigation relating to public supply wells in the State of New Hampshire.

Active. Case No. 03-C-550, El Paso - Napoli Bern Cases. Engaged as consultant and possible expert witness on behalf of the Defendants Coastal Eagle Point Oil Company and Coastal Refining & Marketing Inc. regarding Methyl tertiary-butyl Ether ("MTBE") Products Liability Litigation relating to public supply wells in the States of Florida and New York.

q.  
r. STATE DISTRICT COURT

1984. Case Nos. 20294 and 22600 consolidated, New Mexico District Court, Chaves County. Advised local irrigation interests on history and hydrologic aspects of certain water rights in the Rio Hondo Basin, as part of the Pecos River Basin.

1989. Case No. 86-142 (Civil), New Mexico District Court, Grant County, Sixth Judicial District Court. Advised Molzen-Corbin and Associates, Engineers with respect to sources of acid runoff damage to bridge.

1992. Case No. 89-1063, Texas District Court, Harrison County, Texas, 71st Judicial District. Similar to 85-17120, summarized on page 3; settled without trial.

1992. Cause No. 85-17210-F Texas District Court, Harris County, Texas, 151st Judicial District. On behalf of the plaintiffs, in case similar to 85-17120, summarized on page 3; settled before trial.

1992. Case No. SF 92-1652(C), First Judicial District, County of Santa Fe. In the matter of *Patricia L. Meza v. Richard Cook and El Llano, Inc.* Provided geotechnical advice regarding causes of subsidence in a subdivision; the adequacy of prior studies; and how such problems could have been dealt with adequately.

1993. Case No. 90-017868, Texas District Court, Harrison County, Texas, 11th Judicial District. On behalf of OXY USA, Inc., in the matter of *William H. "Buster" Cole vs. Phillips Petroleum Company, et al.* Analysis of claims regarding pollution of ground water; impact valuation; settled without trial.

1994. Case No. CV-92-73. New Mexico Seventh Judicial District Court, County of Sierra. On behalf of the defendant, in the matter of *Freddie J. Torres v. Dwight Newton d/b/a, Cielo Vista RV Park.* Site inspection and evaluation in regard to drainage.

### TABLE 3. EXPERT TESTIMONY, DR. LEE WILSON

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1996. Case No. 96-62 CV, Eighth Judicial District, County of Colfax. On behalf of plaintiff, developed a method for monitoring settlement of a water-rights dispute. Issues related to quantification of runoff, seepage and evaporation; monitoring of fill and spill of small reservoirs.

1999. Case No. B-97-1510-C, 119<sup>th</sup> District Court, Tom Green County, Texas. On behalf of Johnson & Johnson, Inc., in the matter of the *Southwest Plaza Shopping Center, Inc., et al. v. Johnson & Johnson, Inc., et al.*, serving as an expert consultant/witness. Issues related to contamination of ground water by volatile organics such as PCE. Current responsibilities relating to remediation are subject to Voluntary Clean-up Plan requirements of Texas Commission on Environmental Quality, and are not part of any administrative process that requires sworn testimony.

2005. Case No. 12,217, District Court, Lee County, Texas. Representing Alcoa, Inc. regarding environmental issues involved in the adjudication of a parcel of land.

2003. Representative of City of Las Cruces on the Lower Rio Grande Hydrology Committee, a body formed to resolve technical disputes in the matter of *Thomas C. Turney, State of New Mexico, ex rel. Office of the State Engineer v. Elephant Butte Irrigation District, et al.*, No. CV 96-888.

2005. Case Nos. 20294 & 22600, First Judicial District Court, Consolidated, Carlsbad Irrigation District Section. On behalf of parties objecting to the proposed Final Decree, in the matter of *State of New Mexico ex rel. State Engineer, et al. v. Lewis, et al.*

Active. Case No. 43,347, First Judicial District, County of Santa Fe. Representing City of Santa Fe regarding water rights adjudication in the Santa Fe Basin, New Mexico ("*Anaya*" case). Issues relate to quantification and priority of water rights, legal status of return flows, management of domestic well claims. Negotiation of a stipulated claim is underway.

Active. *D-1333-CV-83 00190*. Hydrology expert for various non-Indian defendants in Rio San Jose water rights adjudication, New Mexico; case is *Kerr McGee Crop. v. USA*.

S.

#### 1. ADMINISTRATIVE PROCEEDINGS

1988. Rate case 2154, New Mexico Public Service Commission. On behalf of Sandia Peak Homeowner's Association, with respect to water rate application of Sandia Peak Utility Company. Evaluation of operation and maintenance costs, rate base and rate of return, with emphasis on rate-making policies appropriate to developer-owned utilities.

1990. Rate case 2278, New Mexico Public Service Commission. On behalf of the City of Rio Rancho, with respect to sewer rate application of Albuquerque Utilities, Inc. Emphasis on issues related to developer-owned utility.

1990. Rate case 2294, New Mexico Public Service Commission. On behalf of the City of Rio Rancho, with respect to water rate application of Albuquerque Utilities, Inc. Emphasis on issues related to developer-owned utility.

1993. State certification of NPDES permit, Los Alamos National Laboratory. On behalf of LANL, developed draft testimony regarding improper implementation procedures utilized by state, with emphasis on standards appropriate to ephemeral streams and wildlife. State subsequently agreed to certify the permit as it had been written by EPA, and LANL agreed to perform a use-attainability study.

1994. Appeal of NPDES permit certification, City of Albuquerque. Key issues included mixing zone calculations, aquatic toxicity standards, compliance schedule and overall deficiencies

### **TABLE 3. EXPERT TESTIMONY, DR. LEE WILSON**

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with respect to State's implementation plan.

### **TABLE 3. EXPERT TESTIMONY, DR. LEE WILSON**

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1994. Transfer of water rights, Pecos River Learning Center. Key issues were establishing the historical shortage of supply for the transfer-from water rights; and calculating drawdown and streamflow depletion impacts. Exhibits were prepared for formal submittal.

2000. Docket No. C8-0059-SC-01-C; Sandow Mine, Texas Railroad Commission. Regarding an application by Alcoa Inc. for Renewal/Revision/Expansion of a lignite mining permit in south-central Texas.

2006. Texas Commission on Environmental Quality. Regarding Motion to Overturn Commission's approval of Water Pollution Abatement Plan (WPAP) for KBDJ Ruby Ranch Site.

2006. Panhandle Underground Water Conservation District. Regarding well permit applications by Canadian River Municipal Water Authority. Applications were approved.

2007. Railroad Commission of Texas. On behalf of Canadian River Municipal Water Authority regarding protest of an application for injection wells associated with secondary recovery in an oil and gas field.

2007. Post Oak Savannah Groundwater Conservation District. On behalf of Alcoa Corporation, regarding their 60 applications for Historic Use well permits.

Active. Upper Neches Municipal Water Authority. Advice regarding litigation relating to NEPA compliance of U.S. Fish and Wildlife Service, regarding Fastrill Reservoir refuge site.

Active. City of Santa Fe. Regarding numerous protests of water-rights permit applications before the New Mexico State Engineer, including protests made by City of others; and protests of others to the City's applications. Often designated as an expert witness, but cases have been settled; or have not yet reached the hearing stage.

Active. Client: James McAllen family. Providing expert support in litigation regarding contamination of soil and ground water from oil and gas activities.

#### **u. OTHER (advice conveyed through counsel, but the matter was not contested)**

1990. Client: Chevron USA, Inc. Regarding computer modeling of shallow ground water in the area of the Chevron Refinery, El Paso, Texas.

1991. Client: Western Investment Associates. Regarding gasoline spill remediation.

1992. Client: Marathon Oil Company. Regarding remediation of large spill of condensate and brine in shallow alluvium and deep fractured aquifers; also permit applications for remediation wells.

1995. Client: Elf Atochem North America, Inc. Regarding a potential criminal complaint with respect to methyl parathion contamination in Bryan, Texas.

2000. Client: Champion Technologies. Advising re: chromium contamination, Hobbs, New Mexico.

2001. Client: New Mexico Attorney General. Advice regarding environmental impacts of Cerro Grande fire, with emphasis on potential that hydrologic changes in burned watersheds will lead to increased erosion and off-site transport of soils contaminated at Los Alamos National Laboratory.

### TABLE 3. EXPERT TESTIMONY, DR. LEE WILSON

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2006. Client: Wheeler Peak Condominiums, Taos, NM. Advice regarding possible sources of iron contamination in water lines.

Active. Client: Scharbauer Ranch. Advising re: investigation and clean-up of pipeline hydrocarbon spill near Midland, Texas. Litigation has been filed by other landowners in area.

Active. Client: Heritage Standard Corp. Advising company regarding cause, investigation, and recovery of elevated chlorides, Crittendon Field, Winkler County, Texas.

Active. Clients: Occidental Petroleum Corp, Devon Energy Production Co, Bass Enterprises Production Co., Plains Exploration & Production Co, Yates Petroleum Corp. Advising Counsel regarding water and environmental issues from a proposed potash solution mining project near Carlsbad, Eddy County, New Mexico.

Note the entries in this table focus on work performed under direction of counsel, most of which involve formal court or regulatory proceedings, and which require Dr. Wilson to be qualified as an expert. Not listed are Dr. Wilson's appearances in numerous less formal proceedings. These include appearances at hearings held by a government agency, with reference to an environmental impact document prepared under the supervision of Lee Wilson; appearances at hearings or meetings of certain government agencies (e.g. city councils, county commissions, zoning authorities, state legislatures and congressional committees), whether as a private citizen, as a contractor to an agency, as an expert for an applicant, or as an expert for a protestant. While testimony sometimes is sworn and cross-examination is sometimes possible, these are not true adversary proceedings and seldom require formal recognition as an expert. Moreover, in many cases Lee Wilson appeared as an expert on behalf of the agency holding the hearing.